

**Filed 11/29/05 by Clerk of Supreme Court  
IN THE SUPREME COURT  
STATE OF NORTH DAKOTA**

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2005 ND 197

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Robert L. Johnson,

Petitioner and Appellant

v.

State of North Dakota,

Respondent and Appellee

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No. 20050168

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Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Sonna M. Anderson, Judge.

AFFIRMED.

Per Curiam.

Susan Schmidt, P.O. Box 2155, Bismarck, ND 58502-2155, for petitioner and appellant.

Lloyd Clayton Suhr, Assistant State's Attorney, 514 E. Thayer Ave., Bismarck, ND 58501, for respondent and appellee. Submitted on brief.

**Johnson v. State**

**No. 20050168**

**Per Curiam.**

[¶1] Robert L. Johnson appealed from the order denying his request for post-conviction relief. Johnson pled guilty to one count of contact by bodily fluids in violation of N.D.C.C. § 12.1-17-11, at the reduced level of a class A misdemeanor. Johnson filed an application for post-conviction relief. The trial court issued an order denying the relief. Johnson appealed that order and this Court remanded the case to the trial court for further proceedings. Johnson v. State, 2005 ND 19, 691 N.W.2d 288. After remand, a hearing was held and the trial court again dismissed Johnson's application for post-conviction relief. Johnson argues he received ineffective assistance of counsel and that the trial court abused its discretion by not allowing him to withdraw his guilty plea. We summarily affirm the district court's order under N.D.R.App.P. 35.1(a)(2) and (4).

[¶2] Gerald W. VandeWalle, C.J.  
Dale V. Sandstrom  
Daniel J. Crothers  
Mary Muehlen Maring  
Carol Ronning Kapsner